

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

CHAPTER 40C-2, F.A.C.

PERMITTING OF CONSUMPTIVE USES OF WATER

Revised
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CHAPTER 40C-2
PERMITTING OF CONSUMPTIVE USES OF WATER

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40C-2.001 Policy, Purpose and Implementation.

Rulemaking Authority 373.113 FS. Law Implemented Chapter 373 (Part II) FS. History—New 1-2-77, Formerly 161-2.01, Amended 11-24-80, Transferred to 40C-2.011, 1-1-83.

40C-2.011 Policy and Purpose.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.103(1), 373.216, 373.219 FS. History—New 1-2-77, Amended 11-24-80, 1-1-80,

Formerly 40C-2.01, 40C-2.011, 40C-2.0011, Repealed 10-2-96.

40C-2.020 Permit Processing Fee.

Rulemaking Authority 373.109 FS. Law Implemented Chapter 373 (Part II) FS. History—New 1-2-77, Amended 4-9-78, Formerly 161-2.20, Transferred to 40C-2.201, 1-1-83.

40C-2.031 Implementation.

(1) An individual consumptive use permitting program has been implemented on the following dates within the District:

(a) December 31, 1976 at 11:59 p.m. in that area transferred to the District from the Central and Southern Florida Flood Control District pursuant to section 373.069 (Supp. 1976), F.S., known as the Upper St. Johns River Basin (see figure 1.4.1-1 of the Applicant's Handbook, Consumptive Uses of Water, which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.).

(b) December 1, 1980 in that area transferred to the District from the Southwest Florida Water Management District pursuant to section 373.069 (Supp. 1976), F.S., known as the Green Swamp Sub-basin, (see figure 1.4.1-1 of the Applicant's Handbook, Consumptive Uses of Water, which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.).

(c) January 1, 1983 in the remaining area of the District not listed in paragraphs (a) and (b), above, as described in section 373.069(2)(c), F.S. (see figure 1.4.1-1 of the Applicant's Handbook, Consumptive Uses of Water, which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.), and for those uses not regulated prior to January 1, 1983.

(d) A general consumptive use permit by rule permitting program has been implemented within the entire District on 7-23-91.

(2) The effective dates specified in subsection (1), above, are to be used to determine the beginning of the two-year period provided in section 373.226, F.S., in which existing water users are to file initial applications. Failure to apply within the period of two years from the effective date of implementation shall create a conclusive presumption of abandonment of the use and if the user desires to revive the use, he must apply for a permit under the provisions of rule 40C-2.301, F.A.C.

(3) The program previously implemented in the areas described in paragraphs (1)(a) and (b), above, is superseded throughout the District by the rules that become effective on January 1, 1983.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.219, 373.223, 373.224, 373.226 FS. History—New 1-1-83, Formerly 40C-2.031, 40C-2.0031, Amended 7-23-91, 12-6-93, 2-15-95, 1-7-99, 2-15-06, 8-14-14, 7-1-18.

40C-2.033 Modification of Permits.

Rulemaking Authority 373.113 FS. Law Implemented 373.239 FS. History—New 1-2-77, Formerly 161-2.33, Transferred to 40C-2.331, 1-1-83.

40C-2.035 Transfer of Permits.

Rulemaking Authority 373.113 FS. Law Implemented 373.223, 373.229, 373.239 FS. History—New 1-2-77, Formerly 161-2.35, Transferred to 40C-2.351, 1-1-83.

40C-2.004 Permits Required.

Rulemaking Authority 373.113 FS. Law Implemented 373.219, 373.226 FS. History—New 1-2-77, Formerly 161-2.04, Transferred to 40C-2.041, 1-1-83.

40C-2.041 Permits Required.

(1) The District issues consumptive use permits in two forms, individual permits and general permits by rule. Unless the consumptive use is expressly exempted in rule 40C-2.051, F.A.C., or qualifies for a general permit by rule in rule 40C-2.042, F.A.C., the Governing Board hereby requires an individual consumptive use permit for any of the following:

(a) Average annual daily withdrawal equal to or exceeding one hundred thousand (100,000) gallons average per day on an annual basis.

(b) Withdrawal equipment or other facilities which have a capacity equal to or exceeding one million (1,000,000) gallons per day.

(c) Withdrawals from a combination of wells or other facilities, having a combined capacity equal to or exceeding one million (1,000,000) gallons per day.

(d) Withdrawals from a well in which the outside diameter of the largest permanent water bearing casing is six inches or greater at ground surface. This paragraph shall not apply to those wells for which the well owner or well contractor can demonstrate that the well was constructed with a smaller diameter water bearing casing below ground surface prior to August 14, 2014, and that smaller diameter casing is still in place.

(e) Withdrawals from surface water facilities which have an intake diameter or cumulative intake diameter of six (6) inches or greater. For purposes of this paragraph, the intake diameter of the surface water facility is the diameter at the end of the pump intake.

(2) Those thresholds in paragraphs 40C-2.041(1)(a) through (c) and (e), and rule 40C-2.042, F.A.C., refer to the total capacity of the water withdrawal equipment, wells, or other facilities located on contiguous or physically proximate properties that either share the same irrigation infrastructure or are owned, operated or controlled as a common enterprise or system. A water user shall obtain one permit for all withdrawals that are intended to serve contiguous property. Two or more properties represented to be separate properties shall be aggregated and treated as a single property for permitting purposes when the District determines that the properties are physically proximate and either (a) share the same irrigation infrastructure or (b) are operated as a common enterprise. However, when multiple use types, as defined in rule 40C-2.501, F.A.C., are served by separate withdrawal facilities, the District is authorized to issue separate individual permits. This requirement to aggregate two or more properties shall not apply when the separate properties have existing permits that require metering for all withdrawals or the water user requests a permit modification to the permits to require metering for all withdrawals.

(3) Those seeking an individual consumptive use permit must submit to the District a complete permit application Form Number 40C-2.900(1), which is incorporated by reference in subsection 40C-2.900(1), F.A.C. Individual permits which do not exceed any of the following requirements are considered minor individual permits and may alternatively utilize permit application Form Number 40C-2.900(2), which is incorporated by reference in subsection 40C-2.900(2), F.A.C.:

(a) Cumulative average annual daily consumptive use is less than 100,000 gallons per day on an average annual basis.

(b) Withdrawal equipment or other facilities which have a capacity of less than one million (1,000,000) gallons per day.

(c) Withdrawals from a combination of wells or other facilities, having a combined capacity of less than one million (1,000,000) gallons per day.

(d) Withdrawals from a well in which the outside diameter of the largest permanent water bearing casing is less than eight (8) inches at ground surface. When the well owner or well contractor can demonstrate that the well was constructed with a smaller diameter water bearing casing below ground surface prior to August 14, 2014, and that smaller diameter casing is still in place, the well diameter shall be considered to be its smaller diameter casing.

(e) Withdrawals from surface water facilities which have an intake diameter or cumulative intake diameter of less than eight (8) inches. For purposes of this paragraph, the intake diameter of the surface water facility is the diameter at the end of the pump intake.

(4) Uses which are existing on the effective date of implementation shall be governed in accordance with the provisions of section 373.226, F.S.

(5)(a) The Governing Board may designate specific geographic areas in which permits shall be required for amounts less than those specified in subsection (1), above.

(b) Such designation shall be adopted by rule pursuant to chapters 120 and 373, F.S.

(c) Prior to the adoption of such rule, the Governing Board shall hold at least one public meeting in the vicinity of the area for which such designation is proposed. The purpose of such public meeting shall be to hear testimony regarding the justification for such designation and regarding the anticipated impacts of such designation.

(6) Any person whose withdrawal otherwise meets the thresholds for a general permit by rule as specified in rule 40C-2.042, F.A.C., may submit an application to obtain an individual consumptive use permit at their sole discretion.

(7) When information submitted to the District incorporates or results in a material change to the proposed activity for which the applicant seeks a permit or modification, the District shall notify the applicant that the application is deemed to be amended and the 30 and 90 day time requirements of section 120.60(1), F.S., shall restart.

(8) Only one application shall be filed for a permit required under chapter 40C-2, F.A.C., for a consumptive use at or involving the same property, including applications for an initial permit and applications for modification of a permit, at any time prior to final action on the application first received by the District. If the District determines that more than one application has been so filed, the District will notify the applicant that the most recent application is deemed an amendment of the pending application, and if the amendment constitutes a material change, the application will be processed in accordance with subsection (8), above. Subsections (8) and (9), shall not apply to a request for a letter modification of a permit and shall not affect the timeliness of an application for renewal of a permit.

(9) Applicants who seek to renew a permit under chapter 40C-2, F.A.C., must submit a timely and sufficient application for renewal to avoid expiration of the permit. An application for renewal shall be considered timely only if it is received by the District no later than the expiration date of the existing permit. Mailing the application does not constitute receipt by the District. If the permit's expiration date falls on a weekend or legal holiday, the application for renewal must be received by the District on the next business day after the weekend or holiday. When timely and sufficient application for renewal is made, the existing permit shall not expire until the application for renewal has been finally acted upon by the District, or if the application is denied or the terms of the permit are limited, until the last day for seeking review of the District action or a later date fixed by order of the reviewing court.

Rulemaking Authority 373.113, 373.216 FS. Law Implemented 373.219, 373.226 FS. History--New 1-2-77, Amended 1-1-83, 6-1-84, Formerly 40C-2.04, Amended 5-31-84, Formerly 40C-2.041, 40C-2.0041, Amended 7-23-91, 12-6-93, 2-15-95, 4-25-96, 1-7-99, 11-11-03, 8-14-14, 11-3-15, 7-1-18, 8-29-18.

40C-2.042 General Permit by Rule.

A general consumptive use permit by rule is hereby established for consumptive uses of water listed below that do not meet or exceed any permitting threshold under subsection 40C-2.041(1), F.A.C., except as provided in subsections 40C-2.042(8), (9), (10), (11), (12) and (13), F.A.C. However, this rule shall not apply to domestic uses of water by individuals, i.e., water used for the household purposes of drinking, bathing, cooking or sanitation. Persons using or proposing to use water in a manner not authorized under this rule, must obtain a permit pursuant to chapter 40C-2, F.A.C.

(1) The Governing Board hereby grants a general permit to each person located within the District to use, withdraw or divert water to irrigate agricultural crops, nursery plants, cemeteries, golf courses and recreational areas such as playgrounds, football, baseball, and soccer fields, provided the irrigation does not occur between the hours of 10:00 a.m. and 4:00 p.m. daily, and provided the amount of water used is limited to only that necessary for efficient utilization. For purposes of this subsection, agricultural crops and nursery plants are limited to those grown on lands classified by the property appraiser as agricultural lands under section 193.461, F.S. (2016). All water use under this subsection shall be subject to the following exceptions:

(a) Irrigation using a micro-spray, micro-jet, drip, or bubbler irrigation system is allowed anytime.

(b) The use of water for irrigation from a reclaimed water system is allowed anytime. For the purpose of this paragraph, a reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented by water from another source during peak demand periods.

(c) The use of recycled water from wet detention treatment ponds for irrigation is allowed anytime provided the ponds are not augmented from any ground or off-site surface water, or public supply sources.

(d) Irrigation is allowed at any time of day for one 30-day period following planting of agricultural crops or nursery stock, provided that the irrigation is limited to the minimum amount necessary for crop or plant establishment. Irrigation of newly planted, seeded or sprigged cemeteries, golf course greens, tees, fairways and primary roughs, and recreational areas such as playgrounds, football, baseball and soccer fields is allowed at any time of day for one 60-day period. An entire irrigation zone may be watered under this paragraph only if new plantings or landscaping comprise at least 50 percent of that zone. If new plantings or landscaping comprise less than 50 percent of an irrigation zone, only the new plantings or landscaping can be watered under this paragraph.

(e) Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, the manufacturer, or best management practices is allowed any time of day within 24 hours of application. Watering in of chemicals shall not exceed 1/4 inch of water per application except as otherwise required by law, the manufacturer, or best management practices.

(f) Irrigation systems may be operated any time of day for maintenance and repair purposes not to exceed 20 minutes per hour per irrigation zone.

(g) Irrigation of agricultural crops by seepage systems which regulate off-site discharges through the use of water control structures is allowed anytime, provided the discharge does not overtop the control structure by more than one-half inch, there is no discharge between 1:00 p.m. and 7:00 p.m. unless associated with a storm event, and the structure is well maintained.

(h) The use of water to protect agricultural crops and nursery plants, except ferns, from frost or freeze damage is allowed when freezing temperatures or frost are predicted by an official weather forecasting service.

(i) The use of water to protect ferns from frost or freeze damage is allowed when the "wet bulb" temperature, as measured by a "wet bulb" thermometer at the site of application, is 34 degrees Fahrenheit or less. Freeze protection must cease when temperatures rise above 40 degrees Fahrenheit.

(j) The use of water to protect agricultural crops, nursery plants and golf course turf from heat stress damage is allowed anytime, provided the watering does not exceed ten minutes per hour per irrigation zone.

(k) Irrigation of agricultural crops by traveling volume guns which require manual repositioning is allowed anytime.

(l) Irrigation using a hand-held hose equipped with an automatic shut-off nozzle is allowed anytime.

(m) Discharge of water from a water-to-air air conditioning unit or other water dependent cooling system constructed before August 14, 2014, is not limited by this permit.

(2)(a) The Governing Board hereby grants a general permit to each person located within the District to use, withdraw or divert water for landscape irrigation, provided landscape irrigation occurs in accordance with the provisions of subsection 40C-2.042(2), F.A.C., and provided the amount of water used is limited to only that necessary for efficient utilization. For the purpose of this rule, "landscape irrigation" means the outside watering of plants in a landscape such as shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora that are situated in such diverse locations as residential areas, public, commercial, and industrial establishments, and public medians and rights-of-way, but it does not include agricultural crops, nursery plants, cemeteries, golf course greens, tees, fairways, primary roughs, and vegetation associated with recreational areas such as playgrounds, football, baseball and soccer fields. For the purpose of this rule, the terms "residential landscape irrigation" and "non-residential landscape irrigation" are defined in this paragraph (a), as follows. "Residential landscape irrigation" means the irrigation of landscape associated with any housing unit having sanitary and kitchen facilities designed to accommodate one or more residents, including multiple housing units and mobile homes. "Non-residential landscape irrigation" means the irrigation of landscape not included within the definition of "residential landscape irrigation," such as that associated with public, commercial and industrial property, including commercial or transient housing units, hotel and motel units, and public medians and rights-of-way. For the purpose of this rule, "address" means the "house number" of the physical location of a specific property. This excludes post office box numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal Services to determine a delivery location, the lot number shall be the property's address. An "even numbered address" means an address ending in the numbers 0, 2, 4, 6, 8 or letters A-M. An "odd numbered address" means an address ending in the numbers 1, 3, 5, 7, 9 or the letters N-Z.

1. When Daylight Savings Time is in effect, landscape irrigation shall occur in accordance with the following irrigation schedule:

a. Residential landscape irrigation at odd numbered addresses or no address may occur only on Wednesday and Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and,

b. Residential landscape irrigation at even numbered addresses may occur only on Thursday and Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and,

c. Non-residential landscape irrigation may occur only on Tuesday and Friday and shall not occur between 10:00 a.m. and 4:00 p.m.; and,

d. No more than 3/4 inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than 1 hour per irrigation zone on each day that irrigation occurs.

2. When Eastern Standard Time is in effect, landscape irrigation shall occur only in accordance with the following irrigation schedule:

a. Residential landscape irrigation at odd numbered addresses or no address may occur only on Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and,

b. Residential landscape irrigation at even numbered addresses may occur only on Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and,

c. Non-residential landscape irrigation may occur only on Tuesday and shall not occur between 10:00 a.m. and 4:00 p.m.; and,

d. No more than 3/4 inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than 1 hour per irrigation zone on each day that irrigation occurs.

3. Landscape irrigation shall be subject to the following exceptions:

a. Irrigation using a micro-spray, micro-jet, drip, or bubbler irrigation system is allowed anytime.

b. Irrigation of new landscape is allowed at any time of day on any day for the initial 30 days and every other day for the next 30 days for a total of one 60-day period, provided that the irrigation is limited to the minimum amount necessary for such landscape establishment. An entire irrigation zone may be watered under this sub-subparagraph only if new plantings or landscaping comprise at least 50 percent of that zone. If new plantings or landscaping comprise less than 50 percent of an irrigation zone, only the new

plantings or landscaping can be watered under this sub-subparagraph.

c. Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, the manufacturer, or best management practices is allowed at any time of day on any day within 24 hours of application. Watering in of chemicals shall not exceed 1/4 inch of water per application except as otherwise required by law, the manufacturer, or best management practices.

d. Irrigation systems may be operated at any time of day on any day for maintenance and repair purposes not to exceed 20 minutes per hour per irrigation zone.

e. Irrigation using a hand-held hose equipped with an automatic shut-off nozzle is allowed at any time of day on any day.

f. Discharge of water from a water-to-air air conditioning unit or other water dependent cooling system is not limited by this permit.

g. The use of water from a reclaimed water system is allowed anytime. For the purpose of this paragraph, a reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented from another source during peak demand periods.

h. The use of recycled water from wet detention treatment ponds for irrigation is allowed anytime provided the ponds are not augmented from any ground or off-site surface water, or public supply sources.

4. When reclaimed water is available, the use of a private irrigation well for landscape irrigation is not authorized under subsection 40C-2.042(2), F.A.C. Reclaimed water is deemed available when reclaimed water is provided by a utility through a point of connection.

5. Any person who irrigates landscape with an automatic lawn sprinkler system installed after May 1, 1991, shall install, maintain and operate a rain sensor device or switch that overrides the irrigation system when adequate rainfall has occurred.

(b)1. A local government is strongly encouraged to enforce paragraph 40C-2.042(2)(a), F.A.C., within its jurisdiction by adopting a landscape irrigation ordinance that incorporates each of the provisions set forth in paragraph 40C-2.042(2)(a), F.A.C.

2. Where a local government has adopted a landscape irrigation ordinance, if the strict application of the specified day of week schedule would lead to unreasonable or unfair results in particular instances, the local government may grant a variance from the specific day or days for landscape irrigation identified in subparagraphs 40C-2.042(2)(a)1. and 2., F.A.C., provided that the applicant demonstrates with particularity that compliance with the schedule of days for landscape irrigation will result in a substantial economic, health or other hardship on the applicant requesting the variance or those served by the applicant. Where a contiguous property is divided into different zones, a variance may be granted hereunder so that each zone may be irrigated on different days than other zones of the property. However, no single zone may be irrigated more than 2 days a week when Daylight Savings Time is in effect and no more than 1 day per week when Eastern Standard Time is in effect. Local governments shall not grant a variance from any other provision of this rule.

3. At least 30 days prior to the adoption of an ordinance to enforce paragraph 40C-2.042(2)(a), F.A.C., the local government shall provide a copy of the proposed ordinance to the District.

(c) A person proposing to use water for landscape irrigation where factors establish the need for irrigation to occur in a manner other than that authorized in subsection 40C-2.042(2), F.A.C., may submit an application for an Individual Consumptive Use Permit pursuant to chapter 40C-2, F.A.C., using form 40C-2.900(3). Consumptive Use Permit Application for Landscape Irrigation for One Additional Day Per Week. Form number 40C-2.900(3), effective August 14, 2014, is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04425> and upon request from the St. Johns River Water Management District, 4049 Reid Street, Palatka, FL 32177-2529. This permit application is limited to including no more than 25 nearby properties within a common plan of development. If a development consists of more than one phase or section, the 25 properties must be located within a single phase or section. A person seeking authorization to irrigate more than 1 additional day than that authorized by subsection 40C-2.042(2), F.A.C., must apply for an Individual Consumptive Use Permit pursuant to chapter 40C-2, F.A.C., using form 40C-2.900(1), which is incorporated by reference in subsection 40C-2.900(1), F.A.C.

(3) The Governing Board hereby grants a general permit for all aquacultural consumptive uses of water located within the District provided the containment or impoundment facility utilized to cultivate the aquacultural product has no off-site surface water discharge and an aerator is used to add oxygen to the facility when necessary. Such water use is limited to the amount necessary to accomplish average expected production. The use of reclaimed water within an aquacultural facility shall not be subject to these restrictions provided appropriate signs are placed on the property to inform the general public and District enforcement personnel of such use.

(4) The Governing Board hereby grants a general permit for all existing and proposed ornamental and aerating fountains within the District, provided the same water is recirculated, there is no off-site discharge and the fountain is properly installed, maintained and operated to ensure that a minimal amount of water is used. Non-recirculating fountains in existence on 7-23-91 shall be retrofitted to meet the requirements of this subsection by 7-23-93.

(5) The Governing Board hereby grants a general permit to each person located within the District to use water to create a containment or impoundment facility solely for aesthetic purposes, provided the containment or impoundment facility is not augmented thereafter from any ground or off-site surface water source.

(6) The Governing Board hereby grants a general permit to each person located within the District to use water for the augmentation of any pond which is 1/2 acre or smaller in size, provided the following conditions are met:

(a) The water for augmentation shall be withdrawn from a well with an inside diameter of the largest permanent water bearing casing of no more than 2 inches;

(b) Augmentation of the water level must not occur if the pond is discharging offsite, except that augmentation may occur to flush the pond no more than two times per year; and,

(c) Augmentation of the water level in the pond must not occur above the average water table condition for the site.

(7) The Governing Board hereby grants a general permit to each person located within the District to withdraw or divert water for uses other than those identified in subsections (1)-(6), provided the amount is limited to only that necessary for efficient utilization.

(8) The Governing Board hereby grants a general permit to each person located within the District to withdraw groundwater from a well solely to irrigate a total of one acre or less of landscape on contiguous property, provided the withdrawal does not meet or exceed any thresholds of paragraphs 40C-2.041(1)(a)-(c), F.A.C. This permit is subject to all the provisions in paragraph 40C-2.042(2)(a), F.A.C. When reclaimed water is available, the use of a private irrigation well for landscape irrigation is not authorized under this subsection. Reclaimed water is deemed available when reclaimed water is provided by a utility through a point of connection.

(9) The Governing Board hereby grants a general permit by rule to withdraw ground or surface water anywhere within the District for short-term construction dewatering activities (excluding borrow operations), subject to the limiting conditions in Appendix I of the "Applicant's Handbook, Consumptive Uses of Water," which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C., and Form Number 40C-2.900(12). Notice to District of Dewatering Activity, Form Number 40C-2.900(12), effective November 3, 2015, is hereby incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-05969> and upon request from the St. Johns River Water Management District, 4049 Reid Street, Palatka, FL 32177-2529. This general permit by rule shall expire 190 days from the date a complete form 40C-2.900(12) is submitted to the District, and no dewatering may begin until 10 days after submittal of the complete form (except as allowed in Appendix I).

(10) The Governing Board hereby grants a general permit by rule for a consumptive use of water anywhere in the District for environmental restoration or enhancement projects proposed by the Florida Department of Environmental Protection or the District, which have either obtained authorization or qualify for an exemption under Part IV of Chapter 373, F.S., for the restoration or enhancement project, provided the use will not interfere with any presently existing legal use of water and the amount of water used is limited to only that necessary for efficient utilization. This general permit by rule shall be transferred to a local unit of government when the District or the Department transfers to the local government the land upon which a completed environmental restoration or enhancement project is located.

(11) The Governing Board hereby grants a general permit by rule to each person located within the District to withdraw groundwater for aquifer performance tests (APT), provided the following conditions are met:

(a) The use does not meet or exceed the threshold of paragraph 40C-2.041(1)(a), F.A.C.;

(b) The use meets the conditions for issuance in rule 40C-2.301, F.A.C.;

(c) The use will not exceed 60 days; and,

(d) The pumping and discharge will be performed in accordance with an aquifer performance test plan submitted to and approved in writing by District staff.

(12) The Governing Board hereby grants a general permit by rule to each person located within the District to withdraw groundwater for heating and cooling (HVAC), provided the following conditions are met:

(a) The use will not meet or exceed any threshold in paragraphs 40C-2.041(1)(a)-(c), F.A.C.;

(b) The heating and cooling discharge water is returned directly to the same aquifer from which it is withdrawn. This condition shall not apply to a discharge of water from a water-to-air air conditioning unit or other water-dependent cooling system constructed before August 14, 2014;

(c) The heating and cooling discharge or injection has been permitted by the Department of Environmental Protection under chapter 403, F.S., or is exempt from such permitting; and,

(d) The water used for heating and cooling has no contact or mixing with other water sources, additives, or chemicals.

(13) The Governing Board hereby grants a general permit by rule for an emergency consumptive use, provided the following conditions are met:

(a) The use meets the conditions for issuance in rule 40C-2.301, F.A.C.;

(b) The use will not exceed 90 days;

(c) The use is necessary to address emergency conditions;

(d) The District has provided written approval of the use; and,

(e) The permittee complies with all the terms and conditions of the written approval.

For purposes of this subsection, “emergency conditions” are defined as those that pose an imminent or existing serious threat or danger and require immediate action to protect the public health, safety or welfare, or the water resources of the District; a public water supply; or recreational, commercial, industrial, agricultural or other reasonable uses. Carelessness or lack of planning shall not be sufficient grounds to warrant the granting of written approval for an emergency consumptive use. The emergency consumptive use may commence only upon receiving written approval by a District staff member designated by the District Executive Director. The recipient of an emergency consumptive use approval is responsible for complying with all terms and conditions of the written approval, which shall form a part of the general permit. The general permit by rule shall expire 90 days from the date of written approval or the date provided in the written approval, whichever is less. No consumptive use is authorized under this general permit until written approval is received.

Rulemaking Authority 373.044, 373.109, 373.113, 373.118, 373.171 FS. Law Implemented 373.019(6), 373.109, 373.118, 373.219, 373.223, 373.250, 373.609, 373.62 FS. History—New 7-23-91, Amended 1-7-99, 2-15-06, 3-8-09, 8-14-14, 11-3-15, 7-1-18.

40C-2.045 Emergency Authorization.

Rulemaking Authority 373.113 FS. Law Implemented 373.113, 373.219 FS. History—New 1-2-77, Formerly 40C-2.45, Repealed 1-1-83.

40C-2.049 Unlawful Use.

Rulemaking Authority 373.113 FS. Law Implemented 373.103(4), 373.219 FS. History—New 1-2-77, Formerly 40C-2.49, Repealed 1-1-83.

40C-2.051 Exemptions.

No permit shall be required under the provisions of this chapter for the following water uses:

(1) Domestic consumption of water by individual users as defined by section 373.019(6), F.S. (2013).

(2) Those uses for which certification has been obtained pursuant to the provisions of the Florida Electrical Power Plant Siting Act or the Statewide Multipurpose Hazardous Waste Facility Siting Act (2013).

(3) Withdrawals of ground or surface water to remove pollutants from contaminated water, in the following circumstances:

(a) Ground water may be withdrawn in any quantity for any duration if it is recharged on site to the aquifer from which it was withdrawn by either infiltration or direct injection.

(b) Surface water may be withdrawn in any quantity for any duration only from wholly-owned impoundments or works which are no deeper than the lowest extent of the uppermost water bearing stratum and which have no surface hydrologic connection off site, and the surface water must be recharged on site to the uppermost water bearing stratum by either infiltration or direct injection.

(c) Infiltration under this subsection may be accomplished by the use of land application or by discharge to wholly-owned impoundments or works, so long as there is no surface discharge off site. The withdrawal and recharge under this subsection must be done in a manner that does not contravene paragraphs 40C-2.301(1)(b), (2)(b), (e), (f), (g) and (h), F.A.C.

(d) Ground water may be withdrawn from wells which withdraw from the surficial aquifer provided the cumulative withdrawals at any one time do not exceed 100,000 gallons per day.

(4) Withdrawals of groundwater for aquifer performance tests requested by District staff as information needed to review a

consumptive use permit application, provided that the withdrawal of water for the pump test shall be for a period of not more than 30 days, shall not interfere with existing uses of water and shall be performed in accordance with an aquifer performance test plan approved by District staff.

(5) Withdrawals of surface water solely for flood control when:

(a) The withdrawal is accomplished by and was approved as part of a surface water management system which has received a management and storage of surface water permit pursuant to chapter 40C-4 or 62-330, F.A.C., or

(b) The withdrawal is conducted by a municipality, county, agency of the executive branch of the state or the federal government and is accomplished by a surface water management system which meets the terms and conditions of the exemption contained in subsection 40C-4.051(2), F.A.C., and the withdrawal is consistent with the system's plans, specifications, and performance criteria existing on the relevant exemption date.

(6) Water, whether withdrawn or diverted, when used for purposes of protection of fish and wildlife or the public health and safety when and where the Governing Board has, by rule 40C-2.302, F.A.C., reserved said water from use by permit applicants pursuant to subsection 373.223(4), F.S. (2013).

(7) Withdrawals of ground or surface water to facilitate construction (not including borrow or mining excavations) on or below ground surface (dewatering) subject to the following conditions:

(a) The withdrawal is conducted by one of the following:

1. A conventional wellpoint system consisting of one or more stages of wellpoints installed near the excavation in lines or rings. These wellpoints shall be installed in variable spacings, and connected to a common header pumped by one or more wellpoint pumps.

2. Vacuum underdrain consisting of a typical pipeline dewatering with the underdrain or "sock" placed horizontally below the design invert elevation of the pipeline via a large trenching machine. The underdrain is connected to a pump with the water conveyed through the underdrain and discharged from the pump.

3. Shallow vacuum well consisting of one or more stages installed near an excavation in lines or rings. Vacuum wells shall be constructed of six inch or smaller pipe with a slotted screen area near the bottom of the well, and connected to a common header pumped by one or more pumps.

4. Hydraulic pumps to dewater stormwater management ponds and basins, as part of their construction or maintenance, through the discharge control structures. The stormwater management pond or basin and associated discharge control structure must have been permitted by the District and be in operational phase at the time the dewatering is to occur.

(b) The withdrawal is 300,000 gallons per day or less.

(c) The withdrawal does not exceed 30 days in duration.

(d) The water withdrawn is not discharged directly into an Outstanding Florida Water (OFW), Class I or Class II waterbody. A direct discharge means a discharge which enters OFW, Class I or Class II waters without an adequate opportunity for prior mixing and dilution to prevent significant degradation.

(e) The following turbidity control measures are implemented, as appropriate, for any discharges off-site:

1. If the discharge is to be to a drainage system, the water shall be piped directly into the drainage structure, if possible; but if the discharge is through a swale or overland to a structure or water body, the path of discharge shall be lined with plastic sheeting, sod or hay bales appropriately, to prevent a turbid discharge to the structure or water body.

2. If water will discharge to an open water body, appropriate fabric silt screen or hay bales shall be used to prevent turbid discharges. When possible, a detention area shall be established to allow suspended solids to settle prior to entering the water body.

3. If the above turbidity control measures are inadequate to retain sediment on-site and prevent turbid discharge, additional or modified erosion and sediment control measures must be selected, implemented, and operated as necessary to prevent harmful water quality impacts from dewatering discharges to receiving waters.

(8) Withdrawals of surface water (dewatering) by a drainage pump, which serves an agricultural operation, provided that the operation of the pump has been authorized by a permit issued pursuant to chapter 40C-44 or Chapter 40C-4, 40C-40 or 62-330, F.A.C., which incorporated the requirements of chapter 40C-44, F.A.C. However, activities which are exempt from the requirements of chapters 40C-4, 40C-44 and 62-330, F.A.C., are not exempt from the need to obtain a consumptive use permit under this subsection.

(9) Withdrawals of ground or surface water for fire protection purposes.

(10) The use of seawater from any sea, gulf, or ocean, excluding estuaries, lagoons, rivers, streams, and intracoastal waters.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.171, 373.216, 373.219, 373.250, 403.511 FS. History–New 1-1-83, Formerly 40C-2.051, 40C-2.0051, Amended 8-18-87, 11-19-87, 9-12-89, 12-6-93, 8-17-94, 4-25-96, 10-2-96, 11-11-03, 2-15-06, 8-14-14, 11-3-15, 7-1-18.

40C-2.053 Procedures Under Water Shortage.

Rulemaking Authority 373.113 FS. Law Implemented 373.146, 373.249 FS. History–New 1-2-77, Formerly 16I-2.53, 40C-2.53, Transferred to 40C-2.531.

40C-2.054 Declaration of Emergency Due to Water Shortage.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.246 FS. History–New 1-2-77, Formerly 16I-2.54, 40C-2.54, Transferred to 40C-2.541, 1-1-83.

40C-2.061 Noticed General Permit for Construction Dewatering Uses.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.109, 373.219 FS. History–New 7-21-91, Repealed 4-25-96.

40C-2.101 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference:

(a) Part I (<https://www.flrules.org/Gateway/reference.asp?No=Ref-09818>), subsections 62-40.416(7)-(8), F.A.C., effective November 3, 2015, in Appendix G (<https://www.flrules.org/Gateway/reference.asp?No=Ref-04443>), and Limiting Conditions for subsection 40C-2.042(9), F.A.C., Dewatering General Permits by Rule in Appendix I (<https://www.flrules.org/Gateway/reference.asp?No=Ref-05973>) of the document entitled “Applicant’s Handbook, Consumptive Uses of Water,” effective August 29, 2018. The purpose of the document is to provide information regarding the policy, procedure, criteria, and conditions that pertain to the District’s administration of the consumptive use permitting program.

(b) The following rules of the Florida Department of Environmental Protection: subsections 62-40.416(7), 62-40.416(8) and 62-40.416(9), F.A.C. (<https://www.flrules.org/Gateway/reference.asp?No=Ref-04446>), effective May 3, 2014, which are hereby incorporated by reference as of August 14, 2014. Subsections 62-40.416(7) and 62-40.416(8), F.A.C., are referenced in sections 3.3.2.1 and 3.3.2.2, respectively, and in Appendix G of the “Applicant’s Handbook, Consumptive Uses of Water,” which is incorporated by reference in paragraph 40C-2.101(1)(a), subsection 62-40.416(9), F.A.C., is referenced in section 2.2.9 of the “Applicant’s Handbook, Consumptive Uses of Water,” which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.

(c) The Northern District Groundwater Flow Model Version 5.0 (<https://www.flrules.org/Gateway/reference.asp?No=Ref-08552>), effective March 19, 2018, is referenced in section 3.3.3.3 of the “Applicant’s Handbook, Consumptive Uses of Water,” which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.

(2) Copies of these documents are available without charge from sjrwmd.com and the following District offices:

District Headquarters

St. Johns River Water Management District
4049 Reid Street
Palatka, Florida 32177-2529
(386)329-4500

St. Johns River Water Management District
7775 Baymeadows Way, Suite 102
Jacksonville, Florida 32256
(904)730-6270

St. Johns River Water Management District
601 South Lake Destiny Road, Ste. 200
Maitland, Florida 32751
(407)659-4800

St. Johns River Water Management District
525 Community College Pkwy., S.E.
Palm Bay, Florida 32909
(321)984-4940

Rulemaking Authority 373.044, 373.113, 373.118, 373.17, 373.227(5) FS. Law Implemented 373.042, 373.0421, 373.079, 373.083(5), 373.103, 373.109, 373.219, 373.223, 373.226, 373.227, 373.229, 373.233, 373.236, 373.239, 373.250, 373.62, 373.805 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.101, 40C-2.0101, Amended 10-1-87, 1-1-89, 8-1-89, 10-4-89, 7-21-91, 7-23-91, 11-12-91, 9-16-92, 1-20-93, 12-6-93, 2-15-95, 7-10-95, 4-25-96, 10-2-96, 1-7-99, 2-9-99, 4-10-02, 2-15-06, 2-13-08, 8-12-08, 3-8-09, 12-27-10, 2-2-12, 9-16-12, 8-14-14, 11-3-15, 3-19-18, 7-1-18, 8-29-18.

40C-2.201 Permit Processing Fee.

Rulemaking Authority 373.109, 373.044, 373.113, 373.171 FS. Law Implemented 373.109, 373.219 FS. History—New 1-2-77, Amended 4-9-78, 1-1-83, Formerly 40C-2.20, 40C-2.201, 40C-2.0201, Amended 10-1-87, 8-1-89, Repealed 10-2-96

40C-2.301 Conditions for Issuance of Permits.

(1) To obtain a consumptive use permit, renewal, or modification, an applicant must provide reasonable assurance that the proposed consumptive use of water, on an individual and cumulative basis:

- (a) Is a reasonable-beneficial use;
- (b) Will not interfere with any presently existing legal use of water; and,
- (c) Is consistent with the public interest.

(2) In order to provide reasonable assurances that the consumptive use is reasonable-beneficial, an applicant shall demonstrate that the consumptive use:

- (a) Is a quantity that is necessary for economic and efficient use.
- (b) Is for a purpose and occurs in a manner that is both reasonable and consistent with the public interest;
- (c) Will utilize a water source that is suitable for the consumptive use;
- (d) Will utilize a water source that is capable of producing the requested amount;
- (e) Except when the use is for human food preparation or direct human consumption, will utilize the lowest quality water source that is suitable for the purpose and is technically, environmentally, and economically feasible;
- (f) Will not cause harm to existing offsite land uses resulting from hydrologic alterations;
- (g) Will not cause harm to the water resources of the area in any of the following ways:
 1. Will not cause harmful water quality impacts to the water source resulting from the withdrawal or diversion,
 2. Will not cause harmful water quality impacts from dewatering discharge to receiving waters,
 3. Will not cause harmful saline water intrusion or harmful upconing,
 4. Will not cause harmful hydrologic alterations to natural systems, including wetlands or other surface waters; and,
 5. Will not otherwise cause harmful hydrologic alterations to the water resources of the area.
- (h) Is in accordance with any minimum flow or level and implementation strategy established pursuant to sections 373.042 and 373.0421, F.S.; and,
- (i) Will not use water reserved pursuant to subsection 373.223(4), F.S.

(3)(a) The Governing Board may reserve water from use or withdrawal under the authority of a consumptive use permit, in such locations and quantities, and for such seasons of the year, as in its judgment may be required for the protection of fish and wildlife or the public health and safety. The Governing Board hereby determines and finds that protection of the water resource from significant harm is required for protection of the public health and safety.

(b) Such reservation of water shall be implemented by rule, pursuant to section 373.223(4), F.S., and shall be subject to periodic review and revisions by the Governing Board in the light of changed conditions.

(4) Except as otherwise provided by law, the applicant shall have the burden of proof to establish and present sufficient data to support a finding by the District that the proposed use meets the conditions specified in subsections (1) and (2), above. The standards, criteria, and conditions in the Applicant's Handbook: Consumptive Uses of Water, which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C., shall be used in determining whether the requirements of subsections (1) and (2), above, are met. However, when an application was complete before July 1, 2018, then the applicant may elect review in accordance with the standards,

criteria, and conditions that were in effect immediately prior to July 1, 2018.

Rulemaking Authority 373.044, 373.113, 373.171, 373.229 FS. Law Implemented 373.042, 373.0421, 373.219, 373.223, 373.224, 373.226, 373.250 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.301, 40C-2.0301, Amended 7-23-91, 9-16-92, 1-20-93, 6-7-93, 1-7-99, 2-13-08, 8-14-14, 7-1-18.

40C-2.302 Reservation of Water from Use.

The Governing Board finds that reserving a certain portion of the surface water flow through Prairie Creek and Camps Canal south of Newnans Lake in Alachua County, Florida, is necessary in order to protect the fish and wildlife which utilize the Paynes Prairie State Preserve, in Alachua County, Florida. The Governing Board therefore reserves from use by permit applicants that portion of surface water flow in Prairie Creek and Camps Canal that drains by gravity through an existing multiple culvert structure into Paynes Prairie. This reservation is for an average flow of 35 cubic feet per second (23 million gallons per day) representing approximately forty five percent (45%) of the calculated historic flow of surface water through Prairie Creek and Camps Canal.

Rulemaking Authority 373.044, 373.113, 373.171, 373.216, 373.219 FS. Law Implemented 373.219, 373.223 FS. History—New 8-17-94.

40C-2.311 Competing Applications.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.233 FS. History—New 1-1-83, Formerly 40C-2.311, 40C-2.0311, Repealed 11-3-15.

40C-2.312 Transport of Water.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.223 FS. History—New 1-1-83, Formerly 40C-2.312, 40C-2.0312, Repealed 4-25-96.

40C-2.321 Duration of Permit.

(1) The provisions of section 1.5, Applicant's Handbook: Consumptive Uses of Water, which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C., shall be applied in determining permit durations.

(2) Nothing herein shall preclude or otherwise prevent the District from terminating, revoking, or temporarily suspending any permit in accordance with these rules or taking such other action as may be provided for in the permit.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.236, 373.243 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.321, 40C-2.0321, Amended 7-23-91, 11-12-91, 1-20-93, 4-25-96, 11-11-03, 8-14-14.

40C-2.331 Modification of Permits.

(1) A request for modification of a valid permit issued pursuant to chapter 40C-2 or 40C-20, F.A.C., shall be made as set forth in this section:

(a) By application on District Form Number 40C-2.900(1), 40C-2.900(2), or 40C-2.900(3), which are incorporated by reference in subsections 40C-2.900(1)-(3), F.A.C., as applicable, or

(b) By letter that describes the proposed modification, provided that the modification is not excluded under paragraph (1)(c), below. The letter must include the full permit number for the requested permit modification and must describe the proposed modification.

(c) The following requests for modification are specifically excluded from the letter modification process and must be requested by application under paragraph (1)(a), above:

1. Requests to increase the duration of the consumptive use authorization, except for:

a. Increases in duration that meet the criteria for a water conservation incentive permit extension under Section 1.4.3.3.1(c) of the Applicant's Handbook, Consumptive Uses of Water, which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.,

or

b. Increases in duration due to a change in statutory law that authorizes a longer permit duration,

2. Requests to increase the consumptive use allocation(s), except for:

a. Increases in use of water from a man-made surface water management system that do not increase the allocation by 100,000 or more gallons per day on an annual average basis, or

b. The addition of landscape irrigation of less than one acre, or

c. Increases due to a change from an annualized incremented allocation to an end of permit (total quantity) annual allocation, or
d. Increases in allocation due to combining multiple permits into one permit, without increasing the duration or changing the distribution of the allocation of any of the permits except as allowed by other provisions of this paragraph,

3. Requests to change the permitted use type,
4. Requests to add withdrawal points, unless the addition:
 - a. Is for backup-allocation purposes to increase the permittee's ability to meet peak demands, or
 - b. Is for the use of water from a man-made surface water management system,
5. Requests to change the source(s) of withdrawal(s), unless the change is to use water from a man-made surface water management system, or
6. Requests to change the location(s) of withdrawal point(s), unless the change:
 - a. Is for the relocation of withdrawal point(s) from a man-made surface water management system, or
 - b. Is for the relocation of a proposed well or replacement of an existing well or wells producing from the same hydrostratigraphic unit as the proposed well or existing well(s) and does not cause impacts to the water resources of the area or existing offsite land uses beyond those evaluated under the consumptive use permit.

(2) A request for modification need only provide information and meet the conditions for issuance in Rule 40C-2.301, F.A.C., that relate to the modification request, in accordance with section 373.239(2), F.S. A permit which has expired or which has been revoked shall not be subject to modification. A denial of a request for modification under paragraph (1)(a) or (1)(b), above, shall be processed as provided in Sections 1.4.3.3.1(b) and 1.4.3.3.2 of the Applicant's Handbook, Consumptive Uses of Water, which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.

(3) Modification by letter in accordance with paragraph (1)(b), above, must be approved and acknowledged in writing through correspondence to the applicant by a District staff member designated by the District Executive Director.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.083(5), 373.219, 373.223, 373.229, 373.239 FS. History—New 1-2-77, Amended 1-1-83, Formerly 40C-2.33, 40C-2.331, 40C-2.0331, Amended 4-25-96, 10-2-96, 2-2-12, 8-14-14, 11-3-15, 7-1-18.

40C-2.341 Suspension and Revocation of Permits.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.243 FS. History—New 1-1-83, Formerly 40C-2.341, 40C-2.0341, Amended 8-1-89, Repealed 10-2-96.

40C-2.351 Transfer of Permits.

The District may transfer a permit in accordance with rule 40C-1.612, F.A.C. The permit will be transferred under the same terms and conditions contained in the permit provided the source(s) and use(s) remain the same. All terms and conditions of the permit shall be binding on the transferee.

Rulemaking Authority 373.113 FS. Law Implemented 373.223, 373.229, 373.239 FS. History—New 1-2-77, Amended 1-1-83, Formerly 40C-2.35, 40C-2.351, 40C-2.0351, Amended 8-1-89, 8-14-14.

40C-2.361 Renewal of Permits.

(1) A permittee may apply to the District for renewal of a permit no earlier than one year prior to the termination of the permit unless the permittee shows good cause for earlier consideration.

(2) Applications for renewal of consumptive use permits shall be processed in accordance with the provisions of rules 40C-1.610 and 40C-1.1008, F.A.C.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.239 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.361, 40C-2.0361. Amended 8-14-14.

40C-2.381 Permit Limiting Conditions.

(1) Consumptive use permits shall be conditioned, as necessary, to ensure that the permitted consumptive use continues to meet the conditions for issuance in rule 40C-2.301, F.A.C. There are two categories of permit conditions that will be applied to consumptive use permits. Standard conditions contain general information and operational constraints that generally apply to all water uses unless waived or modified by the District upon a determination that the conditions are inapplicable to the use authorized by the permit. Special conditions vary among use classes, source classes, and geographic locations, and may be project-specific.

(2)(a) The Governing Board hereby determines and finds that the inclusion of the following standard limiting conditions on permits issued under this chapter are necessary in order to meet the requirements set forth in subsection 40C-2.381(1), F.A.C., and will be imposed at the time a consumptive use permit is issued or granted by rule:

1. With advance notice to the permittee, District staff with proper identification shall have permission to enter, inspect, observe, collect samples, and take measurements of permitted facilities to determine compliance with the permit conditions and permitted plans and specifications. The permittee shall either accompany District staff onto the property or make provision for access onto the property.

2. Nothing in this permit should be construed to limit the authority of the St. Johns River Water Management District to declare a water shortage and issue orders pursuant to chapter 373, F.S. In the event of a declared water shortage, the permittee must adhere to the water shortage restrictions, as specified by the District. The permittee is advised that during a water shortage, reports shall be submitted as required by District rule or order.

3. Prior to the construction, modification or abandonment of a well, the permittee must obtain a water well permit from the St. Johns River Water Management District or the appropriate local government pursuant to chapter 40C-3, F.A.C. Construction, modification, or abandonment of a well will require modification of the consumptive use permit when such construction, modification, or abandonment is other than that specified and described on the consumptive use permit application form.

4. Leaking or inoperative well casings, valves, or controls must be repaired or replaced as required to eliminate the leak or make the system fully operational.

5. The permittee's consumptive use of water as authorized by this permit shall not interfere with legal uses of water existing at the time of permit application. If interference occurs, the District shall revoke the permit, in whole or in part, to curtail or abate the interference, unless the interference associated with the permittee's consumptive use of water is mitigated by the permittee pursuant to a District-approved plan.

6. The permittee's consumptive use of water as authorized by this permit shall not have significant adverse hydrologic impacts to off-site land uses existing at the time of permit application. If significant adverse hydrologic impacts occur, the District shall revoke the permit, in whole or in part, to curtail or abate the adverse impacts, unless the impacts associated with the permittee's consumptive use of water are mitigated by the permittee pursuant to a District-approved plan.

7. The permittee shall notify the District in writing within 30 days of any sale, transfer, or conveyance of ownership or any other loss of permitted legal control of the project and/or related facilities from which the permitted consumptive use is made. Where permittee's control of the land subject to the permit was demonstrated through a lease, the permittee must either submit documentation showing that it continues to have legal control or transfer control of the permitted system/project to the new landowner or new lessee. All transfers of ownership are subject to the requirements of rule 40C-1.612, F.A.C. Alternatively, the permittee may surrender the consumptive use permit to the District, thereby relinquishing the right to conduct any activities under the permit.

8. A District-issued identification tag shall be prominently displayed at each withdrawal site by permanently affixing such tag to the pump, headgate, valve, or other withdrawal facility as provided by rule 40C-2.401, F.A.C. The permittee shall notify the District in the event that a replacement tag is needed.

9. The permittee's consumptive use of water as authorized by this permit shall not significantly and adversely impact wetlands, lakes, rivers, or springs. If significant adverse impacts occur, the District shall revoke the permit, in whole or in part, to curtail or abate the adverse impacts, unless the impacts associated with the permittee's consumptive use of water are mitigated by the permittee pursuant to a District-approved plan.

10. The permittee's consumptive use of water as authorized by this permit shall not reduce a flow or level below any minimum flow or level established by the District or the Department of Environmental Protection pursuant to sections 373.042 and 373.0421, F.S. If the permittee's use of water causes or contributes to such a reduction, then the District shall revoke the permit, in whole or in part, unless the permittee implements all provisions applicable to the permittee's use in a District-approved recovery or prevention strategy.

11. The permittee's consumptive use of water as authorized by the permit shall not cause or contribute to significant saline water intrusion. If significant saline water intrusion occurs, the District shall revoke the permit, in whole or in part, to curtail or abate the saline water intrusion, unless the saline water intrusion associated with the permittee's consumptive use of water is mitigated by the permittee pursuant to a District-approved plan.

12. The permittee's consumptive use of water as authorized by the permit shall not cause or contribute to flood damage. If the

permittee's consumptive use causes or contributes to flood damage, the District shall revoke the permit, in whole or in part, to curtail or abate the flood damage, unless the flood damage associated with the permittee's consumptive use of water is mitigated by the permittee pursuant to a District-approved plan.

13. All consumptive uses authorized by this permit shall be implemented as conditioned by this permit, including any documents incorporated by reference in a permit condition. The District may revoke this permit, in whole or in part, or take enforcement action, pursuant to sections 373.136 or 373.243, F.S., unless a permit modification has been obtained to address the noncompliance. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

14. This permit does not convey to the permittee any property rights or privileges other than those specified herein, nor relieve the permittee from complying with any applicable local government, state, or federal law, rule, or ordinance.

15. A permittee may seek modification of any term of an unexpired permit. The permittee is advised that section 373.239, F.S. and rule 40C-2.331, F.A.C., are applicable to permit modifications.

(b) In addition to these general limiting conditions which are applied to all permits, other limiting conditions will be applied to specific permits. These additional limiting conditions are described in Section 5.0, "Applicant's Handbook Consumptive Uses of Water," which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.216, 373.219(1), 373.223, 373.239, 373.243 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.381, 40C-2.0381, Amended 8-1-89, 7-23-91, 2-15-06, 2-2-12, 8-14-14, 11-3-15.

40C-2.401 Identification Tags.

(1) Upon issuance of a consumptive use permit, the Governing Board shall issue a permanent tag bearing a use identification number, which tag shall, as a condition of the permit, be prominently displayed at the site of withdrawal by permanently affixing such tag to the pump, headgate, valve, or other withdrawal facility. If the permit covers several facilities such as a wellfield, a tag shall be issued for each facility and attached thereto.

(2) Failure to display a permit tag as prescribed herein shall constitute violation of a permit condition and may, if willful, be grounds for revocation of the permit. The permittee shall be allowed ten (10) days after the notice of violation of this rule to obtain a replacement tag.

Rulemaking Authority 373.044, 373.113, 373.216 FS. Law Implemented 373.219 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.401, 40C-2.0401.

40C-2.441 Temporary Permits.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.244 FS. History—New 1-1-83, Formerly 40C-2.441, 40C-2.0441, Repealed by Section 5, Chapter 2012-31, Laws of Florida, 5-27-12.

40C-2.501 Permit Classification.

(1) Each permit shall be classified by the District according to type of use, source, and location of withdrawal as a subclass or category of source.

(2) Use Types: Each permit shall be identified with one or more of the following use classifications:

- (a) Agricultural.
- (b) Commercial/Industrial/Institutional.
- (c) Environmental.
- (d) Landscape/Recreation/Aesthetic.
- (e) Mining/Dewatering.
- (f) Public Supply.
- (g) Other.

(3) Source Types: Each permit shall be identified with one or more of the following source types:

- (a) River, creek, or other watercourse.
- (b) Lake, pond, or other impoundment.
- (c) Aquifer.

(d) Water supplier.

(4) Location of Withdrawal: Each permit shall be classified as to the location from which the withdrawal is made.

(5) The Governing Board may establish additional classifications as are reasonably needed.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.219, 373.246 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C-2.501, 40C-2.0501, Amended 1-20-93, 2-15-95, 2-2-12, 8-14-14.

40C-2.510 Declaration of Water Shortage.

Rulemaking Authority 373.013 FS. Law Implemented 373.036, 373.042, 373.106(c), 373.113, 373.246 FS. History—New 1-2-77, Formerly 16I-2.51, Transferred to 40C-2.511, 1-1-83, Formerly 40C-2.51, 40C-2.051.

40C-2.511 Declaration of Water Shortage.

Rulemaking Authority 373.113 FS. Law Implemented 373.246 FS. History—New 1-2-77, Amended 1-1-83, Formerly 40C-2.51, 40C-2.511, 40C-2.0511, Repealed 5-31-84.

40C-2.521 Change, Suspension or Restriction of Permits.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.042, 373.246 FS. History—New 1-1-83, Formerly 40C-2.521, 40C-2.0521, Repealed 5-31-84.

40C-2.531 Procedures Under Water Shortage.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.146, 373.246 FS. History—New 1-2-77, Amended 1-1-83, Formerly 40C-2.53, 40C-2.531, 40C-2.0531, Repealed 5-31-84.

40C-2.541 Declaration of Emergency Due to Water Shortage.

Rulemaking Authority 373.044, 373.113, 120.54 FS. Law Implemented 373.175, 373.119, 373.246 FS. History—New 1-2-77, Amended 1-1-83, Formerly 40C-2.54, 40C-2.41, 40C-2.0541, Repealed 5-31-84.

40C-2.555 Procedures Under Emergency Due to Water Shortage.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246(7) FS. History—New 1-1-83, Formerly 40C-2.551, 40C-2.0551, Repealed 5-31-84.

40C-2.900 Forms and Instructions.

(1) Consumptive Use Permit Application, Form Number 40C-2-900(1), effective August 14, 2014, is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04416>. This form is referenced in subsection 40C-2.041(3), paragraphs 40C-2.042(2)(c) and 40C-2.331(1)(a), F.A.C., and in Sections 1.4.3.3(b) and 1.4.4.2 of Part I of the “Applicant’s Handbook, Consumptive Uses of Water,” which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C. The following supplemental application forms referenced in the Consumptive Use Permit Application, Form Number 40C-2.900(1), are hereby incorporated by reference:

(a) Agricultural – Form A, which is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04417>;

(b) Commercial/Industrial – Form B, which is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04418>;

(c) Landscape/Recreation – Form C, which is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04419>;

(d) Mining/Dewatering – Form D, which is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04420>;

(e) Public Supply – Form E, which is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04421>;

(f) Environmental/Other – Form F, which is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04422>;

(g) Institutional – Form G, which is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04423>.

(2) Consumptive Use Permit Minor Individual Supplemental Form, Form Number 40C-2.900(2), effective August 14, 2014, is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04424>. This form is referenced in subsection 40C-2.041(3) and paragraph 40C-2.331(1)(a), F.A.C., and in Sections 1.4.3.3(b) and 1.4.4.2. of Part I of the

“Applicant’s Handbook, Consumptive Uses of Water,” which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.

(3) Consumptive Use Permit Application for Landscape Irrigation for One Additional Day Per Week, Form Number 40C-2.900(3), effective August 14, 2014, is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04425>. This form is referenced in paragraphs 40C-2.042(2)(c) and 40C-2.331(1)(a), F.A.C., and in Sections 1.4.3.3(b) and 1.4.4.2 of Part I of the “Applicant’s Handbook, Consumptive Uses of Water,” which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.

(4) Water Use/Pumpage Report Form (EN-50), Form Number 40C-2.900(4), effective August 14, 2014, is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04426>. This form is referenced in Section 4.2.1 of Part I of the “Applicant’s Handbook, Consumptive Uses of Water,” which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.

(5) Flow Meter Accuracy Report Form (EN-51), Form Number 40C-2.900(5), effective August 14, 2014, is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04427>. This form is referenced in Section 4.2.1 of Part I of the “Applicant’s Handbook, Consumptive Uses of Water,” which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.

(6) Annual Statement of Continuing Use, Form Number 40C-2.900(6), effective August 14, 2014, is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04428>. This form is referenced in Section 4.2.1 of Part I of the “Applicant’s Handbook, Consumptive Uses of Water,” which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.

(7) Water Audit Form and Instructions, Form Number 40C-2.900(7), effective July 1, 2018, is hereby incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-08827>. This form is referenced in Sections 2.2.2.5.1.A.4.(a) and 2.2.2.5.1.A.4.(c) of Part I of the “Applicant’s Handbook, Consumptive Uses of Water,” which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.

(8) Alternative Method Flow Verification Report Form, Form Number 40C-2.900(8), effective August 14, 2014, is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04430>. This form is referenced in Section 4.2.1 of Part I of the “Applicant’s Handbook, Consumptive Uses of Water,” which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.

(9) Annual Crop Summary Report Form, Form Number 40C-2.900(9), effective, August 14, 2014 is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04431>. This form is referenced in Section 2.2.5.5.4 of Part I of the “Applicant’s Handbook, Consumptive Uses of Water,” which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.

(10) Crop Protection Report Form, Form Number 40C-2.900(10), effective August 14, 2014, is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04432>. This form is referenced in Section 2.2.5.5.5 of Part I of the “Applicant’s Handbook, Consumptive Uses of Water,” which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.

(11) Water Quality Report Form, Form Number 40C-2.900(11), effective August 14, 2014, is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-04434>. This form is referenced in Section 5.2.1(e) of Part I of the “Applicant’s Handbook, Consumptive Uses of Water,” which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.

(12) Notice to District of Dewatering Activity (RDS-50), Form Number 40C-2.900(12), effective November 3, 2015, is hereby incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-05969>. This form is referenced in subsection 40C-2.042(9), F.A.C., and Appendix I of the “Applicant’s Handbook, Consumptive Uses of Water,” which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.

(13) Voluntary Rescission of Consumptive Use Permit, Form Number 40C-2.900(13), effective November 3, 2015, is hereby incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-05970>. This form is referenced in Section 1.4.3.3.5 of Part I of the “Applicant’s Handbook, Consumptive Uses of Water,” which is incorporated by reference in paragraph 40C-2.101(1)(a), F.A.C.

(14) Consumptive Use Permit Transfer Request, Form Number 40C-2.900(14), effective November 3, 2015, is hereby incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-05971>. This form is referenced in Section 1.4.3.2 of Part I of the “Applicant’s Handbook, Consumptive Uses of Water,” which is incorporated by reference in

paragraph 40C-2.101(1)(a), F.A.C.

(15) Copies of these forms are available without charge at the District's website at sjrwmd.com and from the following District offices:

District Headquarters

St. Johns River Water Management District

4049 Reid Street

Palatka, Florida 32177-2529

(386)329-4500

St. Johns River Water Management District

7775 Baymeadows Way, Suite 102

Jacksonville, Florida 32256

(904)730-6270

St. Johns River Water Management District

601 South Lake Destiny Road, Suite 200

Maitland, Florida 32751

(407)659-4800

St. Johns River Water Management District

525 Community College Pkwy., S.E.

Palm Bay, Florida 32909

(321)984-4940

Rulemaking Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.109, 373.116, 373.118, 373.219, 373.229 FS. History—New 5-30-90, Amended 7-21-91, 7-23-91, 1-20-93, 2-15-95, 4-25-96, 10-2-96, 1-7-99, 2-15-06, 3-8-09, 2-2-12, 8-14-14, 11-3-15, 7-1-18, 8-29-18.